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Attorneys for Defendants,

COUNTY OF LOS ANGELES and DEPUTY TRAVIS KELLY

(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIEFF.

Case No.: 2:22-cv-05367 RGK(MAAx)

Plaintiffs.

V

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

**DECLARATION OF PATRICK
STOCKALPER, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION FOR
PARTIAL SUMMARY JUDGMENT OF
CLAIMS PURSUANT TO FED. R. CIV.
P. 56**

*(Filed Concurrently with Defendants' Motion
for Partial Summary Judgment)*

Date: June 26, 2023
Time: 9:00 a.m.
Crtrm: 850

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to:
Hon. R. Gary Klausner, District Judge
Courtroom 850

DECLARATION OF PATRICK STOCKALPER, ESQ.

I, PATRICK STOCKALPER, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, Defendants COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (collectively, "Defendants") in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAx).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. This declaration is made in connection with Defendants' Motion for Partial Summary Judgment in the above-entitled matter.

4. I defended the deposition of Sergeant Travis Kelly on May 30, 2023.

5. I take issue with the entirety of Declaration of Thomas M. Ferlauto, Esq. Per my recollection many of his statements regarding the testimony of Sergeant Travis Kelly are false, exaggerated, or leave out critical information.

6. For instance, Mr. Ferlauto make various misrepresentation as to the nature of Sergeant Kelly's testimony, creating the improper suggestion of racial animus. I can attest that critical information is artfully omitted by Mr. Ferlauto.

7. Moreover, Mr. Ferlauto delayed in taking the deposition of Sergeant Kelly until May 30, 2023 and even then, he had time to expedite the deposition testimony for this court to review and consider.

8. As such, I object to the entirety of the Declaration of Mr. Ferlauto as it is hearsay and lacks foundation and should not be considered as it has no evidentiary value.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on June 12, 2023, at El Segundo, California.

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PATRICK STOCKALPER

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On June 12, 2023, I served the foregoing document described as **DECLARATION OF PATRICK STOCKALPER, ESQ. IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT OF CLAIMS PURSUANT TO FED. R. CIV. P. 56** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX **By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 12, 2023, at El Segundo, California.



Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAx)

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